

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MADELEINE GARZA, an individual,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK,

Defendant.

Case No. 3:18-cv-05106-BHS

**DECLARATION OF SHANE TUFFY
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT ON
PUNITIVE DAMAGES AND
CONSUMER PROTECTION ACT
CLAIM**

I, Shane Tuffy, declare the following to be true:

1. I am the Director of Operating Practices for the National Railroad Passenger Corporation ("Amtrak"). I am of legal age, am competent to testify and make this declaration from my own personal knowledge.

2. Prior to starting as the Director of Operating Practices in July 2017, I was the Senior Manager of Operating Practices.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email I received from Al Walton on November 14, 2017, and the attachment thereto. I did not open the email attached hereto as Exhibit 1 prior to the derailment on December 18, 2017. Amtrak regularly posted schedule changes on our intranet site that were forwarded from Mr. Walton, so, I believed this email indicated a schedule change rather than implementation of new service.

DECLARATION OF SHANE TUFFY - 1
NO. 3:18-CV-05106-BHS

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

Shane Tuffy

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 31st day of July, 2019, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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Executed on the 31st day of July, 2019, at Seattle, Washington.

s/ Alisa R. Flabel
 Alisa R. Flabel